



Item 3: Cottonwood Cottages Flag Lot Text Amendment (Amended)

File Name:	Cottonwood Cottages Flag Lot Text Amendment
Application Received:	December 21, 2007
Meeting Date:	January 9, 2008
Public Hearing Date:	January 9, 2008
Request:	Amendment of the Flag Lot Subdivision Ordinance
Owner/Applicant:	Wentworth Development
Agent:	Nate Fotheringham
Staff:	Glenn Symes, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any ordinance text amendment application. This report provides preliminary information regarding the requested text amendment. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Subdivision Flag Lot Ordinance (12.20.060), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant has submitted a request for an amendment to the Cottonwood Heights subdivision ordinance regulating the creation and requirements of flag lots. Specifically, the applicant is requesting an amendment to the maximum length of a flag lot stem, or the portion extending from the flag lot to the public street, allowed when a flag lot subdivision is created.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Requested Text Amendment

The applicant originally submitted a request to amend the maximum length allowed for a flag lot stem from 100 feet to 200 feet. After discussions with staff, the applicant amended the application to request a change to 150 feet rather than 200 feet.

The Cottonwood Heights subdivision ordinance, section 12.20.060 Flag Lots Permitted, allows a flag lot stem to reach a maximum length of 100 feet. The applicants, in researching and designing a specific property, feel that a longer stem length is more appropriate and would better suit the needs of the property. In doing so, the applicants feel the change would help to develop the property to a fuller extent.

Additional Requirements for Requested Change

Staff has researched other city's ordinances and has spoken with the City's fire official with regard to additional requirements that would be necessary if the proposed change were made. In addition to the change to the maximum allowed stem length to 150 feet, a change to the stem width and the requirement of a turn-around area approved by the fire official are changes that need to be incorporated into the ordinance with this request.

The most significant requirement for emergency service access is with regard to the overall length of the access. Unified Fire Authority (UFA) requires that any emergency access longer than 150 feet have an approved turnaround. The proposal at 150 feet would mandate a fire turnaround on all flag lots stems longer than 150 feet. An approved fire turnaround can take several shapes but is required to be at least 70 feet in width from back of curb to back of curb if a "modified" hammerhead shape is used. A width of at least 20 feet and possibly 25 feet would be required for emergency access for proper maneuverability of fire apparatus. *The area required for the increased width and length would not be included in the lot area calculation for either the original lot or the flag lot as outlined in section 12.20.060.*

Nature of Flag Lots in Cottonwood Heights

The nature and purpose of a flag lot in Cottonwood Heights is not necessarily designed to be a standard subdivision option. Section 12.20.060 of the subdivision ordinance states that a flag lot may be approved in cases that, due to topographic or sensitive lands concerns, or other requirements of this title a street should not or cannot be extended to buildable areas. Staff feels that this description limits flag lots to lots which are unique in their nature or layout. Because, as the standard of approval states, these lots either should not or cannot have streets extending to buildable areas, the flag lot option should be limited in its applicability and should not be a standard option for subdividing lots.

Staff feels that the original request for an increase to 200 feet maximum length may have been excessive for a low density residential area. An increase from the 100 feet is a change that has been discussed by the planning commission and staff since the adoption of the original flag lot ordinance. In discussing possible changes with the applicant, other staff members and the city's fire official, a length of 150 feet was proposed.

Reasoning for Staff Recommendation

The flag lot ordinance adopted by Cottonwood Heights limits the length of a flag lot stem to 100 feet. A change as proposed would require a change to several other sections of the flag lot ordinance. An increase to the maximum length of the flag lot stem may be necessary for the proper creation of flag lots for the most common minimum lot sizes in the City. The change, however, should be a change that retains the nature and character of the flag lot and the surrounding neighborhood. Staff is proposing several changes to the ordinance in conjunction with the applicant to address some of the potential issues with the increase in stem length.

Since there are a variety of minimum lot sizes and lot widths in the different zones of the City, a single change to the flag lot stem length may not be appropriate for all zones. Staff feels that creating a standard maximum stem length for the R-1 and R-2 zones of 150 feet will help protect the nature and intent of flag lots by increasing the stem length to allow proper lot creation in these zones without excessive driveway length and a further increase to the impermeable surface in the low density residential areas. Staff is proposing a maximum stem length of 300 feet for all other residential zones. This includes the rural residential zones and the forestry zones. All of these zones require a minimum lot size of at least one half acre. A maximum stem length of 150 feet would prevent the creation of conforming lots in the rural residential and forestry zones if the minimum lot width were to be used. Most of these zones require a minimum of 80 to 100 feet in width. A maximum stem length of 300 feet would allow for the proper creation of lots with the maximum stem length and minimum lot width.

The flag lot stem lengths staff is proposing will not cover all situations in which an applicant proposes a flag lot using maximum stem length and minimum lot width. For the R-1-15 zone, a maximum lot size using a depth of 150 feet and a width of 80 feet (minimum width for this zone) would create a lot that is 12,000 square feet. This is 3,000 square feet short of the required 15,000 square feet. Similarly, the RR-1-43 zone requires a minimum lot size of one acre. As the ordinance is proposed, the largest lot that could be created using maximum stem length and minimum lot width is 30,000 square feet. This creates a lot 13,780 square feet smaller than the required one acre. To address this issue, staff has proposed a statement in the ordinance revision that requires lots to be wider than the minimum listed in the zoning ordinance if the minimum width and the maximum flag lot stem length will not create a conforming lot.

There are only two areas of the City with the R-1-15 zoning designation so flag lot subdivision opportunities in the R-1-15 zone are limited. There are more areas of the City zoned as RR-1-43 than R-1-15 so there may be more development opportunities in this zone. However, staff feels that other ordinances may cover a gap in the flag lot ordinance with regard to lot size requirement that may be encountered in this zone. Section 14.12.130 "Private roadways" allows a private road to be used to access subdivided property if all lots included in the subdivision are at least one half acre. Since the minimum lot size in the RR-1-43 zone is larger than one-half acre, this section may be used to subdivide property rather than the flag lot ordinance if it is more appropriate.

Recommendation

Based upon the staff observations, staff is recommending approval of a request for a text amendment to section 12.20.060 J changing the maximum length of a flag lot stem from 100 feet to 150 feet in the R-1 and R-2 zones. Staff is proposing several other changes to the flag lot ordinance in conjunction with the requested text amendment.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Subdivisions – Flag Lots Permitted: Chapter 12.20.060

Highways, Sidewalks and Public Places – Private Roadways: Chapter 14.12.130

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Glenn Symes Associate Planner

Telephone: 545-4190

Fax: 545-4150

Cell: 502-5004

E-mail gsymes@cottonwoodheights.utah.gov

List of Attachments:

1. Applicant's Statement and Exhibits
2. Approved Unified Fire Authority Turnaround Designs
3. Section 12.20.060 Flag Lots Permitted with proposed changes

ATTACHMENT 1

21 pgs.

COTTONWOOD HEIGHTS

Request to change Code of Ordinances

Paragraph "J" of section 12.20.060 ("Flag Lots Permitted") of the Code of Ordinances (**EXHIBIT A**) of Cottonwood Heights currently reads:

The Private lane accessing a flag lot shall include a paved driveway that is at least twelve (12') wide and the landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet (100') in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

We propose amending the highlighted section from one hundred feet (100') in length to two hundred feet (200') in length based on the following:

one hundred fifty. 150 ft

- I. Surrounding municipalities allow private driveways for flag lots of 150, 220, 500 feet or longer
 - a. Per the attached (**EXHIBIT B**) Sandy City code (Chapter 15-06 section W: "Flag Lots" item #2) "the maximum length (of the private driveway for a flag lot) shall be 220 feet unless otherwise approved by the Planning Commission and Fire Department.
 - b. Per the attached (**EXHIBIT C**) Salt Lake County code (Procedures and Standards For the Establishment and Development of Flag Lots (section 5c) private driveways for flag lots less than 150 feet must be no less than 20 feet in width and driveways longer than 150 feet must be no less than 25 feet wide except where a lesser width is authorized by the County traffic engineer and fire official.
 - c. Holladay City allows private driveways (flag lots) without limitation subject to unified authority code. 150 feet or longer subject to approval from the unified fire authority.
 - d. Per the attached (**EXHIBIT D**) Draper City code (Section 9-27-090 section b item number 2) "the maximum length of the staff (distance from a public street to the front property line of the flag lot) shall be five-hundred (500) feet."
- II. Improving the ordinance to 200 feet provides opportunity to develop several parcels within Cottonwood Heights currently burdened with dilapidated structures and it will encourage re-vitalizing areas restricted by the existing 100 foot ordinance.

- a. Attached are site plans of a proposed project within Cottonwood Heights that is not feasible to improve based on the current 100 foot private driveway restriction
- b. Location is 2300 East 6545 South
- c. See attached photos (**EXIBIT E**)
- d. See attached Site plans
 - i. Option "A" with 100 foot private driveway (**EXIBIT F**)
 - 1. Length of driveway prohibits meeting 8,000 square foot minimum for front lots
 - 2. Length of driveway creates a disproportionately large flag lot for one single-family home
 - ii. Option "B" with 150 foot private driveway (**EXIBIT G**)
 - 1. Meets minimum square footage for lots in R-2-8 zone (8,000 sf)
 - 2. Creates proportionate lots suitable for building

Chapter 12.20

DESIGN STANDARDS

Sections:

- 12.20.010 Departmental standards.**
- 12.20.020 Design standards generally.**
- 12.20.025 Design standards for subdivisions located in the foothills and canyons overlay zone.**
- 12.20.030 Blocks.**
- 12.20.040 Lots.**
- 12.20.050 Protection strips.**
- 12.20.060 Flag lots permitted.**

12.20.010 Departmental standards.

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the community development department. Standards for water distribution and sewage disposal facilities shall be prepared by the health department, and similar standards for fire hydrants shall be prepared by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, provided that such standards shall be approved by the city council.

12.20.020 Design standards generally.

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the planning commission and by other departments and agencies of city government. Design standards shall be approved by the city council and shall include provisions as provided in sections 12.20.030 through 12.20.050.

12.20.025 Design standards for subdivisions located in the foothills and canyons overlay zone.

A. Design shall further purposes and goals of overlay zone. In subdivisions proposed for development in the sensitive lands overlay zone (see chapter 19.72 in title 19, zoning), the general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the foothills and canyons overlay zone.

B. Consider/Apply zoning development standards. Applicant shall consider and apply the development standards set forth in chapter 19.72 in (1) the layout of the subdivision and (2) the designation of buildable areas on individual lots (see subsection c of this section) in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

C. Designations of buildable areas. All preliminary and final subdivision plats shall outline buildable areas on each lot intended to accommodate planned principal and accessory structures.

D. Clustering of lots. Clustering of lots within a subdivision is strongly encouraged and may be required by the planning commission to meet the requirements of this provision and the overlay zone.

12.20.030 Blocks.

A. Dedicated walkways through the block may be required where access is necessary to a point designated by the planning commission. Such walkways shall be a minimum of ten feet in width, but may be required to be wider where determined

necessary by the planning commission. The subdivider shall surface the full width of the walkway with a concrete or asphalt surface, install a chain-link fence or its equal six feet high on each side and the full length of each walkway and provide, in accordance with the standards, rules and regulations, barriers at each walkway entrance to prevent the use of the walkway, by any motor vehicle or by any other nonmotorized vehicle wider than four feet.

B. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

12.20.040 Lots.

A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.

B. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title, if any, for the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning title.

C. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than 26 feet wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.

D. Side lines or lots shall be approximately at right angles, or radial to the street lines.

E. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

12.20.050 Protection strips.

Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the planning commission, retain a protection strip not less than one foot in width between the street and adjacent property; provided, that an agreement, approved by the city attorney, has been made by the subdivider, contracting to deed to the then owners of the contiguous property, the protection strip for a consideration named in the agreement; such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the city attorney to the planning commission prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

12.20.060 Flag lots permitted.

A flag lot may be approved by the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.

B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.

C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the minimum required area of the front or original lot.

E. Maximum height. The maximum height of any structure on a flag lot shall be 26 feet.

F. The setbacks for the flag lot shall be as follows:

1. Front: 20 feet.
2. Sides: no less than 20 feet on each side.
3. Rear: 20 feet.

G. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.

H. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.

I. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.

J. The private lane accessing a flag lot shall include a paved driveway that is at least twelve feet (12') wide and a landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred feet (100') in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city.

K. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.

U. Street Lighting

1. The developer shall follow the requirements as outlined in the most current edition of Title 13, Chapter 7, Revised Ordinances of Sandy City [R.O.S.C.] (Sandy City Street Lighting Ordinance).
2. The street lights shall be placed as approved by the Public Utilities Director or his/her designee. Such items to be approved include appropriate distance, alternating sides of street, location upon the property, street light type, height, and illumination intensity as determined by the City's specifications and details for municipal construction.

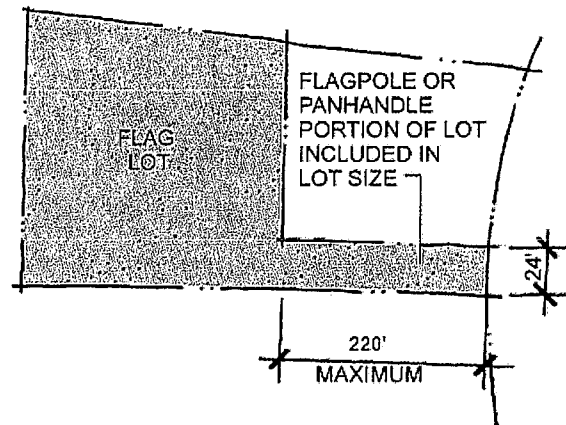
V. Lots

1. Every parcel of land created by a subdivision shall comply with the minimum lot size requirements of the City Zoning Ordinance, and shall be platted as part of a subdivision. No parcel of land shall be created or left unplatted which is either undevelopable or serves merely as a nuisance or lot remnant.
2. Except for more flexible requirements listed in sub a and sub b below, or as those pertaining to planned unit developments, or as may be otherwise provided in this Code, all lots shall have the required frontage upon a dedicated and improved street.
 - a. Residential building lots that do not have frontage upon a public street shall obtain a conditional use permit prior to plat approval.
 - b. Commercial building lots within a recorded subdivision are exempt from this requirement (they may be developed without direct frontage upon a public street).
3. Where a canal abuts a subdivision the area of the portion of the canal which is located in the lot(s) shall not be included in the computation of total lot size nor side or rear yard setbacks for purposes of determining compliance with the Sandy City Land Development Code.
4. All lot corners, points of curvature, tangency, and bearing changes shall be marked with permanent metal stakes approved by the City. The front corners of the lot shall be marked as per the standard specifications and details for municipal construction.
5. Double frontage, and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
6. Where possible, side lot lines shall be substantially at right angles to street lines.

W. Flag Lots. In order to encourage the more efficient use of land, flag or L-shaped lots may be allowed as a conditional use (a permitted use within the Sensitive Area Overlay District) subject to the following conditions:

1. A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
2. That staff portion of said lot shall front on and be contiguous to a dedicated public street or private

street. The minimum width of the staff portion of flag lots shall be 20 feet and the maximum length shall be 220 feet unless otherwise approved by the Planning Commission and Fire Department.



Flag Lots

Figure 1: Typical Flag Lot

3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone (excluding entrance features and street lights).
4. The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts.
5. The staff portion of said lots shall be deemed to end and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
6. The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.
7. The side and rear yard requirements of the flag portion of said lots shall be the same as is required in the underlying zone.
8. The minimum front setback requirements for all buildings shall be 30 feet, excluding the staff, from the front lot line of the flag portion thereof. Other setbacks shall be those on the underlying zone.
9. No more than two flag lots can be served by one staff portion.
10. All flag lots in the development site shall be approved in the site plan by the Planning Commission.
11. The maximum number of flag lots in the subdivision shall be not more than 20 percent of the total number of lots within the subdivision, unless otherwise approved by the Planning Commission.
12. The approved building envelope shall be illustrated upon the final plat.
13. Figure #1, attached hereto and specifically made a part of this Section, is an example of a "flag lot" and is included herein to illustrate the concept of "flag" or "L-shaped" lots.

X. Seismic Areas

1. Any subdivision or lot on or adjacent to a seismic area shall comply with provisions of the Sensitive Area Overlay Zone.
2. A subdivision lot shall be designed so that a building can be erected on the lot without encroaching the zone of deformation. No building shall be erected on or within a zone of deformation Subdivision

Procedures and Standards For the Establishment and Development Of FLAG LOTS

1. Division of a property with frontage on a street so as to create one or more **flag lots** requires subdivision approval in accordance with Title 18 of the Code of County Ordinances for Salt Lake County.
2. Access to a **flag lot** or **lots** shall be provided in the following manner;
 - a. Ownership of the land area connecting the **flag lot(s)** to the street by the person(s) or entities that own the balance of the land area included in the **flag lot(s)**, or
 - b. Retention of ownership of the land area connecting the **flag lot(s)** to the street by the owner of the **base lot(s)** fronting on the street, but only if conveyance of that land area would render the **base lot(s)** substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the **flag lot(s)** shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the **base lot(s)** and the **flag lot(s)**.
3. In order to subdivide an existing lot or parcel so as to create two or more separate lots or parcels (the **base lot(s)** adjacent to the street and a **flag lot(s)** to their rear), sufficient land area must be available to maintain;
 - a. For the **base lot(s)**, compliance with the required area and width requirements of the zone in which the properties are situated, and

b. For flag lot(s) less than one half acre in size;

1. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the flag lot(s) is retained by or conveyed to the owner of those lots, or
2. One and one half times the area requirements for the zone in which the properties are situated minus the land area included in the access easement across the base lot(s).

c. For flag lot(s) one half acre in size or larger;

1. Compliance with the required area and width requirements of the zone in which the properties are situated, exclusive of the land area encumbered for access purposes to the flag lot(s), whether by ownership or perpetual easement.
4. In addition to maintaining compliance with the area and width requirements of the zone in which the base lot(s) are located, normally-applicable yard or setback requirements for the base lot(s) must be maintained, particularly if said lots are already developed or improved. Where access to a flag lot is provided via recordation of a perpetual easement across the base lot, the yard or setback for the base lot shall be measured from the interior edge of the easement closest to any existing or proposed improvements on the base lot.
5. Access to a flag lot(s), whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the base lot(s), must be of uniform width from the flag lot to the intersection with the street right-of-way or easement upon which the base lot fronts in accordance with the following:

- c. On properties where the length of the access connection from the flag lot(s) to the street right-of-way or easement is less than one hundred and fifty feet, the width of that connection must be no less than twenty feet unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.



- d. On properties where the length of the access connection from the flag lot to the street right-of-way or easement is *more than* one hundred and fifty feet, the width of that connection must be no less than **twenty-five feet** unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.

6. Improvements to the travel way within the access connection from the flag lot(s) to the street right-of-way or easement shall be in accordance with the following standards:

- f. On properties where the length of the access connection is *less than* one hundred and fifty feet, the improved surface of the travel way must be;
1. At least **twelve feet** in width its entire length unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and
 2. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the remaining length of the improved travel way from the street right-of-way or easement line to the flag lot(s).
 3. Incompliance with county standards at its intersection with the street right-of-way or easement.
- b. On properties where the length of the access connection is *more than* one hundred and fifty feet, the improved surface of the travel way must be;
1. At least **eighteen feet** in width its entire length so as to allow the passage of vehicles in opposite directions unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and

2. Provided with a " vehicle turnaround" on the **flag lot(s)** to the satisfaction of County Fire officials; and
3. No closer than;
 - a. Five feet to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. Four feet to a neighboring property line for the entire length of the improved travel way on private property; and
4. In compliance with county standards at its intersection with the street right-of-way or easement; and
7. The land area that is not encumbered by required travel way surface improvements within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be planted in its entirety and maintained as landscaped buffers on each side of the travel way in accordance with plans reviewed and approved as part of the flag lot approval process.
8. Site plan review for the development of a single family residence on a **flag lot** shall be on a permitted use basis and subject to the same ordinance requirements and development standards as those applicable to other single family residential properties in the same zone except with regards to yard or "setback" requirements which, for a **main dwelling**, shall be as follows;
 - a. For properties in the R-1-6, R-1-7, R-1-8, and R-1-10 zones, a uniform yard or "setback" requirement of **twenty feet** shall be maintained from all property lines of the "flag" portion of the lot.
 - b. For properties in the R-1-15 and R-1-21 Zones, a uniform yard or "setback" requirement of **twenty-five feet** shall be maintained from all property lines of the "flag" portion of the lot.

- c. For properties in the R-1-43 Zone, a uniform yard or "setback" requirement of thirty feet shall be maintained from all property lines of the "flag" portion of the lot.

9. The yard or "setback" requirements for a detached accessory structure on a flag lot shall be as follows:

- a. For properties in the R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones, a detached accessory structure must be to the rear of and at least 6 feet from the main dwelling on the flag lot, and must maintain the following separation from adjacent property lines;

① Ten feet if adjacent to the side yard of a dwelling on an adjacent lot;

② One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.

③ Twenty feet adjacent to any street.

- b. For properties in the R-1-21 and R-1-43 Zones, a detached accessory structure must maintain the following separation from adjacent property lines;

1. Twenty-five feet if located to the side or front of the main dwelling on the flag lot.

2. Twenty feet adjacent to any street;

3. Ten feet if located to the rear of and at least six feet from the main dwelling on the flag lot but adjacent to the side yard of a dwelling on an adjacent lot;

4. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does

not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.

10. Lots of record that were created in accordance with the procedures for the establishment of "Deep Lots" as set forth in the Salt Lake County Planning Commission's 1965 policy by that name shall continue to be subject to the site development and improvement standards associated with that policy.

(6) Engineer Responsibility. The design engineer must indicate his responsibility for strength parameters and his acceptance of the site for use of the retaining wall. If a separate geotechnical report was prepared and used by the design engineer, the geotechnical report needs to be submitted with the design, but the report needs to substantiate the values used for the analysis as indicated in 9-27-

085(e)(2) above. The design engineer will be required to make those inspections that are needed for his approval. The engineer shall submit with the design an inspection frequency schedule.

(f) Preconstruction Meeting. Prior to construction of any approved retaining wall, a preconstruction meeting may be required as directed by the Building Official or City Engineer with building permit approval. The meeting should include the reviewing engineer with Draper City, a member of the Building or Planning Department, the design engineer, the owner, and the Quality Control firm. This meeting should be conducted at least 48 hours prior to construction.

(g) Inspections. A letter from the designing engineer stating that the retaining wall has been built according to the submitted design, along with a report verifying that the designing engineer or his representative made inspections of the wall in accordance with the inspection frequency schedule as submitted in compliance with Section (e)(6) while it was under construction.

(h) Maintenance. All retaining walls must be maintained in a structurally safe and sound condition and in good repair.

Section 9-27-090 Flag Lots.

Flag lots for single family residences may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title or other titles adopted by the City. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not otherwise be reasonably developed.

(a) Factors. When property is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:

(1) More than two (2) flag lots with contiguous staffs should be avoided;

(2) Whether development of the property in question under normal City zoning and subdivision regulations is reasonable and practical; and

(3) Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.

(b) Development Standards. When flag lots are permitted, they shall be subject to the following conditions.

(1) A flag lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion.

(2) The staff portion of the lot shall front on and be contiguous to a public street. The minimum width of the staff portion at any point shall be twenty (20) feet. However, a greater staff width for lots within the sensitive lands overlay zone may be required. The maximum length of the staff shall be five-hundred (500) feet. The maximum grade of the staff shall not exceed twelve percent (12%) in the direction of intended traffic flow on the staff. The staff portion of the lot should generally follow property contours.

(3) The size of the flag portion of the lot shall conform to the minimum lot size requirement of the zone in which the lot is located, but in no case be less than fifteen thousand (15,000) square feet. Sufficient turnaround space for emergency vehicles shall be provided.

(4) No building or structure shall be located within the staff portion of a flag lot.

(5) The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Regardless of the zone, the minimum front yard setback shall be twenty-five (25) feet and all other setbacks for main buildings shall be a minimum of twenty (20) feet.

(6) Screen fencing may be required to be erected around the staff and/or flag portions of the lot.

(7) The main building shall be located no more than two-hundred-fifty (250) feet from a fire hydrant, measured along a public or private right-of-way or along the staff portion of the flag lot. An easement for any fire hydrant located on private property shall be provided to the City for access to and maintenance of the hydrant. The Fire Chief shall review proposed flag lots to insure adequate space and site configuration for turn-around of emergency vehicles.

(8) All driveways located in the staff portion of the lot shall be paved within one-hundred (100) feet of any pre-existing house on a neighboring parcel.

(9) Upon review the City may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.

(10) Clear address signage must be installed and maintained at the

street, including notice that the driveway is a private right-of-way.

Section 9-27-100 Frontage Improvements.

Planned street improvements as shown on the City's Master Traffic and Transportation Plan, including swales, curb, gutter, sidewalk, paved street, turn-about space, and fire hydrants shall be installed on all public street frontages as shown on such plan and in conformance with City construction standards as condition of issuing a building permit for new development or remodeling of a structure that exceeds fifty percent (50%) of the structure's value, when such improvements do not exist or are not financed for construction.

(a) Use Changes. Use changes from lesser to greater intensity shall require the installation of frontage improvements consistent with the intended use as reasonably determined by the Planning Commission.

(b) Extent of Improvements. When the size of a lot or parcel exceeds minimum zone requirements, the Planning Commission may determine the extent of the required improvements if the frontage adjoining a public street is, in its judgment, excessive based on cost calculations reviewed by the City Engineer. However, frontage improvements shall be provided for no less than the minimum lot width required by the zone in which the lot or parcel is located.

(c) Dedication and Construction of Improvements. When widening of a public street is planned, as shown on the City's Master Traffic and Transportation Plan, street right-of-way and frontage improvements associated with proposed development shall be dedicated to the public and improved without cost to the City to the extent the development creates a demand for such improvements as determined by the Planning Commission after receiving a recommendation from the City Engineer.

(d) Appeals. If a street dedication and improvement requirement is alleged to not be proportional to the demand created by new development, such requirement may be appealed pursuant to Section 2-4-060, Draper City Code.

Section 9-27-110 Frontage Improvements - Methods of Providing.

In lieu of requiring full frontage or right-of-way improvements, including without limitation, curb and gutter, parking strips and associated landscaping, sidewalk, paved street and fire hydrant improvements, the City may authorize a developer to satisfy street frontage improvement obligations in one of the following ways:

(a) Install Improvements. Install a fair-share of improvements, as determined by the Planning Commission according to the City Engineer's calculations, of the developer's obligation applied to one or more of the full frontage improvements that extend beyond the developer's property to complete a tie-in or to a logical terminus.

(b) Form Special Improvement District. Form a special improvement district to complete the developer's fair-share of improvements and additional improvements to benefit the neighborhood.

(c) Pay Assessment. Place funds in an escrow account equal to the estimated cost, as determined by the Planning Commission according to the City Engineer's calculations, of the developer's obligation for frontage improvements. Such funds shall go to the installation of street and frontage improvements in projects determined by the City according to its discretion of priority. Placement of the funds into an escrow account shall not be construed to imply or guarantee to the developer a specific time when improvements will be installed on the frontage or right-of-way with funds from a City-sponsored improvement project. However, such escrow shall exempt the developer from participating in a special improvement district formed by the City for the same improvements. Any interest which may accrue on escrowed funds shall be available to the City for use in the improvement project.

(d) Delay Installation. Sign and record an agreement, binding the developer to install required improvements at a later date upon demand by the City, subject to all of the following requirements:

- (1) The development of the property is for one single-family dwelling only;
- (2) The property is a single, legal conforming parcel as defined in this Title or Title 17;
- (3) The parcel has frontage on a public street;
- (4) No street improvements exist on the same side of the public street contiguous to the parcel in either direction; and
- (5) The parcel is not within a recorded subdivision.

Section 9-27-120 Height Limitations and Exceptions.

(a) Method of Measurement. Except as provided elsewhere in this Title, height shall be measured as follows:

- (1) Fences, walls, and hedges shall be measured from the average finished grade of the fence, wall, or hedge line.
- (2) Where there is a difference in the grade of the properties on either side of a fence or wall located on the boundary line of a lot or parcel, the height of a fence or wall shall be measured from the lowest grade of the adjoining properties except that in any instance a four (4) foot high fence shall be allowed.

EXHIBIT E



EXHIBIT E

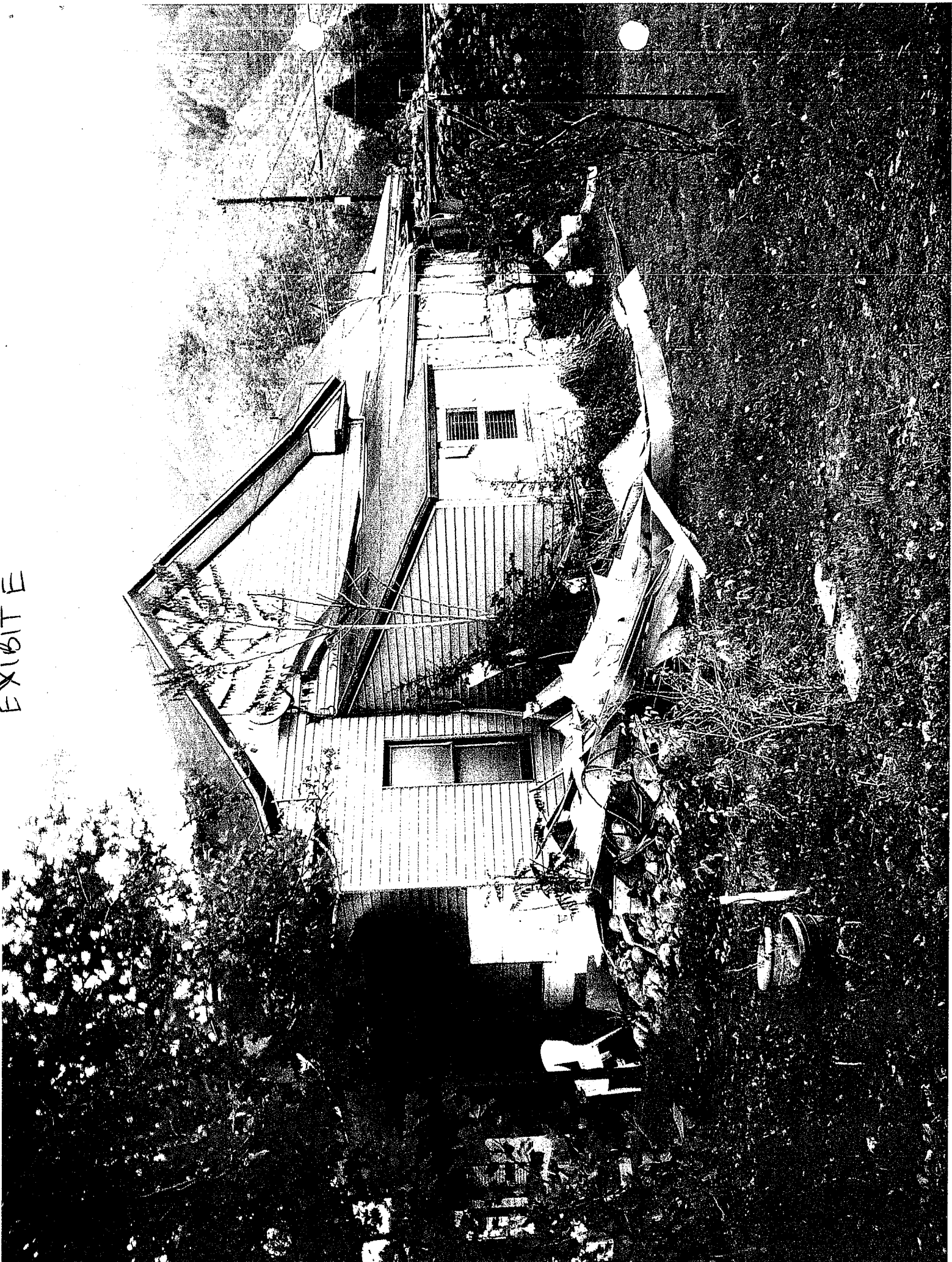


EXHIBIT F

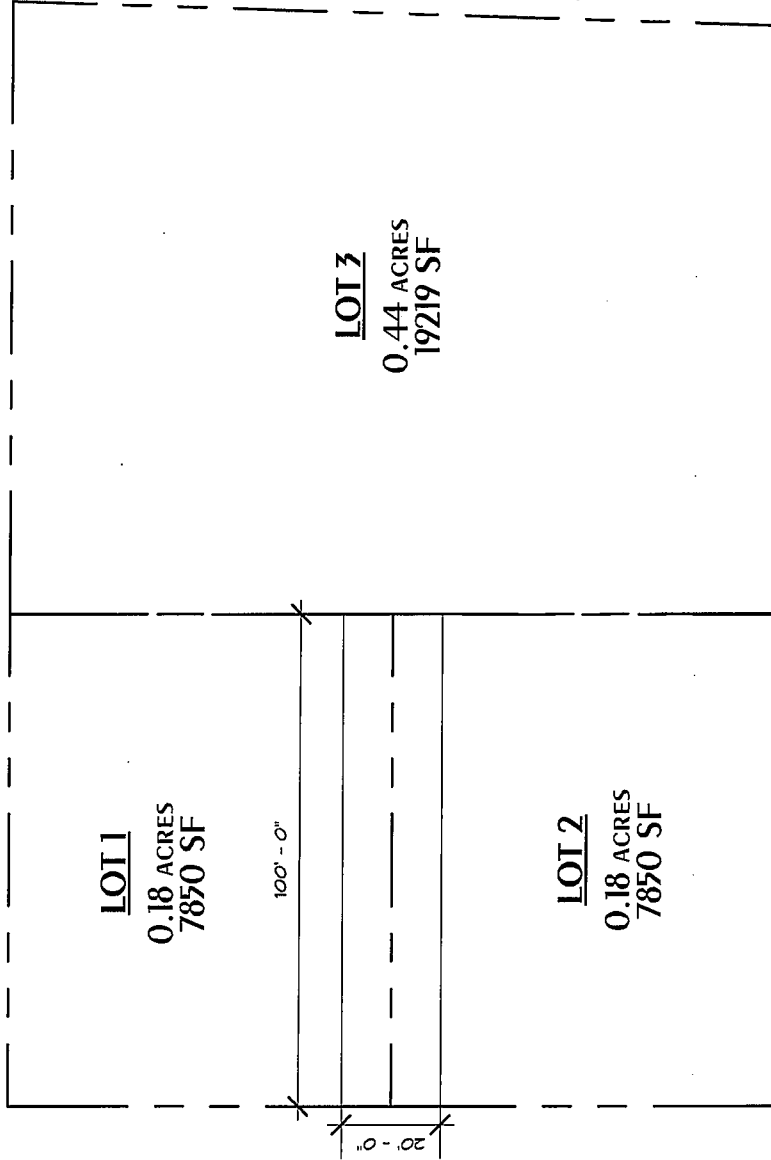
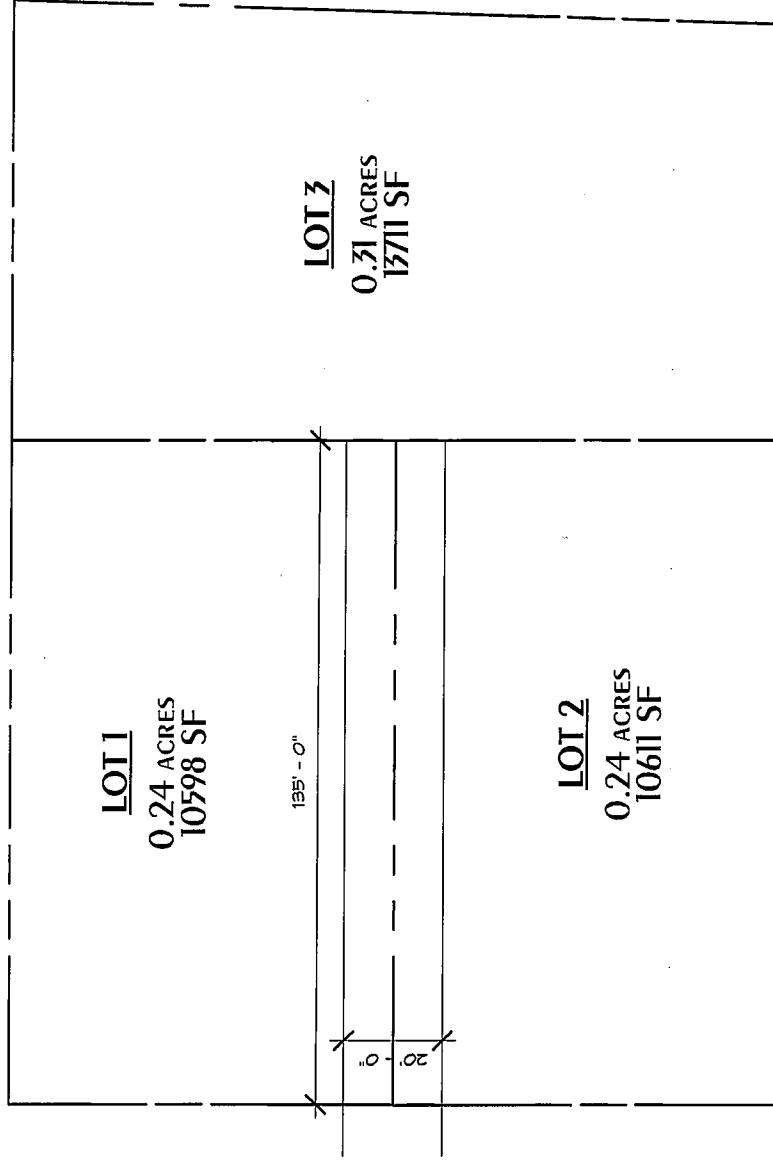


EXHIBIT G



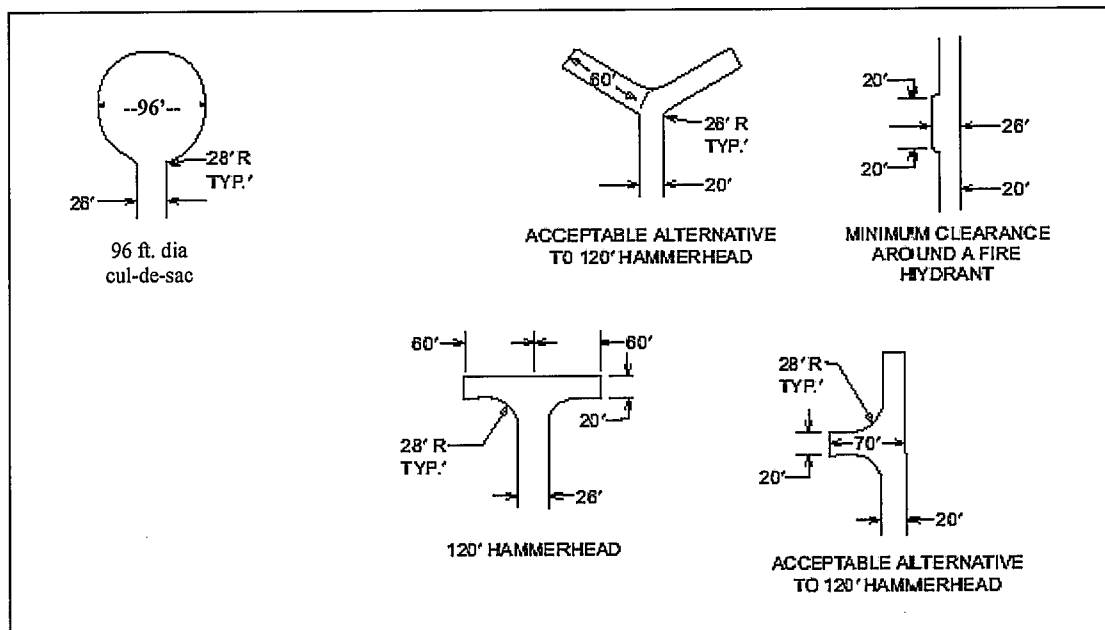
IFC D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4.

Requirements for Dead-End Access Ways
Table D103.4

Length	Width	Grade	Turnaround Requirements
0 – 150 ft.	20 ft.	10% max.	None Required
151 – 500 ft.	20 ft.	10% max.	120 ft. Hammerhead, "Y" or 80 ft. Diameter Cul-De-Sac in accordance with Figure D103.1
501 – 750 Ft.	26 ft.	10% max.	120 ft. Hammerhead 80 ft. Diameter Cul-De-Sac in accordance with Figure D103.1
Over 750 ft.	Special Approval Required		

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official. See 503.2.4

IFC 503.2.4 Turning Radius. Unless the statutes of the jurisdiction vary the required turning radius of a fire apparatus access road shall be determined by the fire code official. Within the Unified Fire Authority jurisdiction the illustrations below will be used.



12.20.060 Flag lots permitted.

A flag lot may be approved by the planning commission upon its finding that, due to topographic conditions, sensitive land concerns, or other requirements of this title, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:

A. Flag lots may only be created from existing legal lots. Only one flag lot may be subdivided from an existing legal lot.

B. The flag lot shall be used exclusively for a single-family residential dwelling and shall be located to the rear of the original (front) lot.

C. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located (including the enhanced lot area requirement described in subsection G of this section), and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.

D. The original (front) lot (i.e.—the lot which remains from the original parcel after the creation of the flag lot and the private land accessing the flag lot) shall meet the required lot area, lot width, and front, back and side yard requirements for the zone in which it is located, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the minimum required area of the front or original lot. Lots where the maximum stem length prevents the creation of a conforming front lot by using the minimum lot width are required to increase the lot width to a width that allows the creation of a lot consistent with the required minimum square footage of the underlying zone.

E. Maximum height. The maximum height of any structure on a flag lot shall be 26 feet.

F. The setbacks for the flag lots in the R-1 and R-2 zones shall be as follows:

1. Front: 20 feet.
2. Sides: no less than 20 feet on each side.
3. Rear: 20 feet.

G. The setbacks for flag lots in the RR and F zones shall be as follows:

1. Front: 30feet
2. Sides: no less than 30 feet on each side
3. Rear: 30 feet

GH. The minimum lot area of a flag lot, exclusive of the private access lane, shall be one hundred twenty five percent (125%) of the minimum lot area required in the underlying zone.

HI. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement for ingress and egress, benefiting the flag lot, over and across the original (front) lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.

IJ. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.

JK. The private lane accessing a flag lot shall include a paved driveway that is at least ~~twelve~~ twenty feet (12') (20') wide and a landscaped buffer that is at least five feet (5') wide on the outside boundary of the paved driveway. The buffer area is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane. The private lane shall front on a dedicated public street, and may not exceed one hundred fifty feet ~~(100')~~ (150') in length for all R-1 and R-2 zones. For the RR and F residential zones, the private lane may not exceed three hundred (300') feet in length. The private lane also is subject to approval by the Unified Fire Authority or other fire and emergency protection services provider to the city. Approval of the private lane by the city's fire official may include the requirement of a designated turnaround area that would be subject to the design standards adopted by Unified Fire Authority. Structural permeable surfaces are encouraged in designated fire turnaround areas and are subject to design standards adopted by Unified Fire Authority.

KL. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.